THE COCHIN CHILD MARRIAGE RESTRAINT ACT (AMENDMENT) BILL

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir, I move for leave to introduce the Cochin Child Marriage Restraint Act (Amendment) Bill.

Mr. T. A. Ramachandra Ayyar *(Nellai)*: I second it.

Mrs. Thankamma N. Menon *(Ernakulam-Women)*: I oppose it.

Mr. C. V. Iyyu *(Kunnamkulam)*: I think the Hon'ble lady member has to give a statement for her objecting the motion. She has to make a speech and then I have to give a statement. That is what happened when Mr. Bhaskara Menon's Bill was taken.

Deputy President: You cannot compel others to speak.

Mr. C. V. Iyyu *(Kunnamkulam)*: There has been a precedent like that when Mr. Bhaskara Menon's Bill came up in this Council. When Mr. Bhaskara Menon moved a motion like this regarding his Bill, the lady member gave a speech opposing the motion and Mr. Bhaskara Menon gave a reply.

Mrs. Thankamma N. Menon *(Ernakulam-Women)*: It is only at the time of introduction that a speech will be made.

Motion put and carried

THE COCHIN MUNICIPAL ACT (AMENDMENT) BILL

Mr. A. V. Moothedan *(Chalakkudi)*: Sir, I move for leave to introduce the Cochin Municipal Act (Amendment) Bill.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: I second it.

Motion put and carried

RESOLUTIONS

1. Cancelling the Rule requiring payment from rich men for the treatment in Government Hospitals

Mr. A. B. Salem *(Mattancheri)*: Sir, I rise to move the following resolution which stands in my name.—"*This Council recommends to the Government of Cochin that they may be pleased to cancel the Proceedings of the Government of His Highness the Maharaja of Cochin No. 127, Order D.6-9404/14, dated 1st November 1940, regarding the levy of fees in the Government Medical Institutions in Cochin State.*"

I have very great pleasure in moving this resolution, the more so because I missed the chance of moving this as a cut motion when the demand for medicine was placed before the Council. Had I made that motion then, I would have been in a delicate position of cutting the Budget of that Department by one rupee. I am, therefore, pleased that without affecting the coffers of the Medical Department budget, this resolution may be moved now and we are not putting any censure upon the Department. Sir, this levy of fees in the Cochin State has been, I am afraid, based upon a mistaken idea. The idea underlying it was that the rich people should pay fees for operations and for being in the hospital and the poor people must be treated free. Look at the analogy underlying the idea. The hospital is maintained with money. The poor people in the land do not contribute that money. The tax-payers alone contribute money and those who have more money, pay more tax and those at whose cost the hospitals are being run some times happen to go there; and when they go thereto an institution which is run by their own money,—they are asked again to pay. So, what I say is, it is really the tax-payer who is supporting the institution and not the very poor people. The very poor people of course pay indirectly by way of tobacco, etc. Apart from that, they do not pay anything. Now to penalise, the rich again is indeed very hard. I say there is much injustice in this levy. Take for instance the case of Government servants. Those Government servants who are in receipt of a pay of Rs. 50 or more have to pay this fees. As far as the Government servants are concerned they cannot escape from this rule. In other cases what happens is, that when people with some means come to the hospitals, they take away nice clothes, keep them in the rickshaw and put the rickshawman's dress, so that, when the authorities in the hospital ask what the income is, they say it is somewhere near Rs. 30 and there is no possibility of the hospital people making any income from them. What I say is, those people who are bound to pay escape from this rule and they go scot free. I shall give you one example from my practical experience. There was a lady doctor in Cochin who used to get something like Rs. 100 and her son had to be operated. If she had to resort to the hospital she would have had to pay 75 or 100 rupees and above all this she has to keep her son in the hospital for ten or twelve days, and she will have to pay charges for that also. She approached a doctor and requested him to come to her house and had the operation conducted. That means

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she was put to such a lot of inconvenience. Sir, I cannot understand why these ill paid poor people should be asked to pay such heavy amounts for such operations. These rules are working very hard on these poor people. The effect of working these rules is hard and the benefit it gives to the Department is only very little. Ever since the working of these rules, the net income derived by the Department is only about Rs. 2,000 so that this petty amount which we are getting from the charitable institution of our State, a useful institution in our State, which is serving the needs of the poor and the rich alike, is converted into something else and they do not fetch any decent amount. Therefore, I say that it is high time that we do away with this rule which works out hardship upon the Government servants, who are ill paid, whereas on the other hand the people who are really bound to pay escape out of this rule. This in fact has been the effect of working the rules. This is a very hard measure, not in keeping with the dignity of the charitable institutions of the State, and the Medical Department which happened to be organised by His Highness the Maharaja as a charitable institution to cater to the needs of the people, and there is no reason to make any distinction between the rich and poor, as all of them come there sick. Treat them alike. If the rich man is inclined to pay let him pay. I am sure after their treatment in the hospitals, they will be charitably inclined to pay something according to their might.....

That is the way to make some money. I am sure if that is adopted, there may be more money coming in than this Rs. 2,000. This is a compelled payment. The other is voluntary payment and all the medical institutions must be run on voluntary payment. Take for instance, in England, there is no compulsion. People endow hospitals with their private means and they carry on. Rich people go there and they also pay. And here also I am sure persons will make such endowments. I will give one instance. If you go to the Pasteur Institute at Coonoor, you will find a board there, in which the names of the people who donated more than Rs. 100 will be seen exhibited on the wall and this is being added to from day to day. People go there and make endowments. I will give another instance. Mr. Koder's son was bitten by a dog and he was taken to that hospital and treated there. When he came away, he was much pleased with the treatment and send a cheque for Rs. 200 out of love. In that way, what I am saying is when the Doctor is treating a man and is very kind to him, naturally he will have love towards that Doctor and a present is sent to the hospital, and to the Doctor. In that way, things must go on. Rules which cause hardship to the people should not be imposed on them. For a simple operation, a person has to pay a hundred rupees.

Deputy President: Mr. Salem, you are repeating the argument again and again.

Mr. A. B. Salem *(Mattancheri):* Because, sometimes it has to be injected into some heads. I therefore commend this resolution to the acceptance of this House.

മിസ്റ്റർ വി. ജെ. മത്തായി: സർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. നമ്മുടെ ആശുപത്രിയിൽ ചെല്ലുന്ന പണക്കാരായ രോഗികളോട് സംഖ്യ പിരിക്കണോ എന്നുള്ളതാണ് ഇവിടത്തെ വാദവിഷയം. ഈ വിഷയത്തെ സംബന്ധിച്ച് രണ്ടു ഡോക്ടർമാർ ഒരു കുടുംബത്തിലുള്ള മിസ്റ്റർ സേലം കഴിഞ്ഞാൽ നൂറിൽ ചില്വാനം ദിവസം ആശുപത്രിയിൽ കിടന്ന എനിക്കാണ് അഭിപ്രായം പറയുന്നതിനു കുറച്ചു അവകാശമുള്ളതു് എന്നു തോന്നുന്നു. ഈ സംഗതി ഇതിനുമുമ്പു് ഈ നിയമസഭയിൽ വാദവിഷയമായി വന്നപ്പോഴുതന്നെ രണ്ടുപക്ഷമുണ്ടായിരുന്നു. അന്നു പറഞ്ഞിട്ടുള്ള കാരണങ്ങൾ ഏതാണ്ടു് ഇപ്പോൾ അനുഭവത്തിൽ വന്നിട്ടുള്ളവതന്നെയാണു്. ഈ പദ്ധതി പ്രയോഗത്തിൽ വന്നതിൽപിന്നെ കിട്ടിയിട്ടുള്ള അനുഭവങ്ങളിൽനിന്നാണു് മിസ്റ്റർ സേലം ഇവിടെ ചില സംഗതികൾ ഉദ്ധരിച്ചിട്ടുള്ളതു്. ഈ സംഗതി ഒന്നു് പുനരാലോചന ചെയ്യുന്നതിനു് വീണ്ടും ഇതു് നിയമസഭയുടെ ആലോചനക്കു് വിഷയീഭവിപ്പിക്കേണ്ടതു് അത്യാവശ്യമാണു്. ഇതിൽനിന്നു് കൊച്ചി സർക്കാരിനു രണ്ടായിരം ഉറുപ്പികയാണു് ഒരു കൊല്ലത്തിൽ ആദായമുള്ളതു്. ഇതു് തീരെ ഉച്ചമായ ഒരു സംഖ്യയാണെന്നുള്ളതിനു് സംശയമില്ല.

രോഗികൾ ആശുപത്രിയിൽ ചെന്നാൽ കോടതിയിൽ വിസ്തരിക്കുന്നപോലെയാണു് നഴ്സുമാർ ചോദിക്കുന്നതു്. എന്നോടു് ചോദിച്ചു തൊഴിലെന്താണെന്നു്. കൃഷിയാണെന്നു പറഞ്ഞു. പനി പിടിച്ചിട്ടാണു് ആശുപത്രിയിൽ ചെന്നതു്. ചോദിക്കുന്ന ഓരോ വിവരവും എഴുതിയെടുക്കുന്നതിനു വോറങ്ങളുണ്ടു്. ഞാൻ പറയുന്നതു് ഈ ഫാറങ്ങൾക്കു ചിലവാക്കുന്ന പണമുണ്ടെങ്കിൽതന്നെ രണ്ടായിരം ഉറുപ്പിക കിട്ടുമെന്നാണു്. പിന്നെ ആദായമെന്താണെന്നു് എന്നോടു് ചോദിച്ചു. ആ സമയത്തു് ആകെ വരവുള്ള നെല്ലിന്റെ കണക്കോ മറ്റോ എടുത്തു നോക്കി ശരിക്കുള്ള കണക്കു കൊടുക്കുവാൻ വളരെ പ്രയാസമാണു്. ആളുകളെ കുറെ അസഹ്യപ്പെടുത്താമെന്നല്ലാതെ ഇതുകൊണ്ടു് പറയത്തക്ക പ്രയോജനമൊന്നു

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മില്ല. ഒരാൾ തനിക്ക് ർൺ ക.യാണ് വരവുള്ളതെന്ന പറഞ്ഞാൽ ഡാക്ടർ എങ്ങിനെ അയ്യ് ശരിയാണെന്ന കണ്ടുപിടിക്കും? മരിക്കുവാൻ പോകുന്ന ആളുകളെകൊണ്ട് ഒരു കളവുംകൂടി പറയിപ്പിക്കണമെന്നുണ്ടോ? ൪൦ ക.ക്ക മേലെ വരവുണ്ടെന്ന പറഞ്ഞാൽ ദിവസം ൧ണ. വീതം കൊടുക്കണം. ൧൦൦ ക.ക്ക മേലെയെന്ന പറഞ്ഞാൽ ഗണ്യമായ ഒരു തുക കൊടുക്കണം. അതുകൊണ്ട് ഇപ്പോഴത്തെ ഈ സമ്പ്രദായം ൧ണ പറയുന്നതിന്ന് ഒരു വഴിയാക്കുകയാണ് ചെയ്യുന്നതു്. അതു് അനുഭവത്തിലും കണ്ടിട്ടുണ്ടു്.

രണ്ടാമതായി ഇതുകൊണ്ട് ഒരു അനീതിയും ഉളവാകുന്നുണ്ട്. മിസ്റ്റർ കോഡറെപ്പോലെയുള്ള വൻകപ്രമാണികൾ ആശുപത്രിയിൽ പോയാൽ അവരുടെ ആദായമെന്താണെന്ന ചോദിച്ചാൽ പറയാം. നേരെമറിച്ച് ആ കുടുംബത്തിലെ സ്ത്രീകൾ ആശുപത്രിയിൽ ചെന്നാൽ ആദായം എത്രയാണെന്ന ചോദിച്ചാൽ ആദായമില്ലെന്ന പറയാം.

മിസ്റ്റർ ഇസ്മായിൽ ഹാജി ഈസ്സാസേട്ട: അവരുടെ ഭർത്താവിന്റെ വരവ് എന്താണെന്ന ചോദിക്കുമോ?

മിസ്റ്റർ വി. ജെ. മത്തായി: അതു ചോദിക്കുകയില്ല. അവരുടെ വരവ് എന്താണെന്നാണ് ചോദിക്കുന്നതു്. അപ്പോൾ ഒരു ധനികന്റെ ഭാര്യക്ക് ഒന്നും കൊടുക്കേണ്ട. എന്നാൽ ൫൹ക. വരവുള്ള ഒരു സാധു കൊടുക്കണം. ഇതു വളരെ കഷ്ടമായിട്ടുള്ള ഒരു സംഗതിയാണെന്ന പറയാതെ നിവൃത്തിയില്ല. ഒരു കോടി ഇരുപതു ലക്ഷം ഉറുപ്പിക കിട്ടുന്ന കൊച്ചി ഗവർമ്മെണ്ടിന്ന് ഈ ഒരു വരുമാനം പിരിച്ചെടുക്കേണ്ട ആവശ്യമില്ല. ഈ രണ്ടായിരം ഉറുപ്പിക പിരിച്ചെടുക്കുന്നതിന്ന വേറെ പല വഴികളുമുണ്ട്. പിന്നെ എന്തിനാണ് ഈ വരുമാനം പിരിച്ചെടുക്കുന്നതു് എന്നാണ് ഞാൻ ചോദിക്കുന്നതു്? എത്ര ആയിരം ൧ണ പറയിപ്പിച്ചിട്ടാണ് ഈ രണ്ടായിരം ഉറുപ്പിക കിട്ടുന്നതു് എന്ന പറയുന്നതിനോട് ഞാനും യോജിക്കുന്നു. എത്ര ആയിരം ആളുകളെ നരകത്തിലേക്കയച്ചിട്ടാണ് ഈ സംഖ്യ കിട്ടുന്നതു്? ഈ വക സംഗതികൾ ആലോചിച്ചു നോക്കുമ്പോൾ മിസ്റ്റർ സേലത്തിന്റെ ഈ പ്രമേയത്തെ അനുകൂലിക്കാതിരിക്കുവാൻ നിവൃത്തിയില്ല.

Mr. A. V. Moothedan *(Chalakkudi)*: I support the motion. My ground is very simple. When the rule was introduced, there was some discussion here and I opposed it. My ground now is that—it is not worthwhile counting the present system of levying fees—After all these formalities, what is it that you are able to get? Only Rs. 2,000. You put all the people to trouble for this paltry sum. If you get a substantial amount, of course, it is worthwhile; but for this Rs. 2,000 why should you cause all these troubles and nuisance to all the people? It is not worthwhile continuing this policy. Regarding the principle, the rich man should pay; there will not be any objection; but is it after all a practical proposition; that is the point I say it is not. It is quite impracticable for the Government to carry it out effectively.

Mr. A. B. Salem *(Mattancheri)*: The Hon'ble Doctor for medicines should understand that we are not touching the paywards.

Dr. T. Verghese *(Chief Medical Officer)*: What about operations? Do you want your child to be charged or not?

Mr. A. B. Salem *(Mattancheri)*: The patients admitted into the paywards should be charged.

Mr. A. Eachara Menon *(Chittur-Rural)*: To me it appears that the order is promulgated to assist the Doctors. There it is stated that you will have to pay Rs. 50.

Dr. T. Verghese *(Chief Medical Officer)*: Rs. 5 only.

Mr. A. Eachara Menon *(Chittur-Rural)*: I can get it for less.

Dr. A. R. Menon *(Trichur-North)*: You can get a Doctor even for four annas.

Mr. V. J. Mathai *(Planters)*: For efficient Doctors, you have to pay decent sums; for example, Dr. Pandalai, who will demand more.

Mr. A. Eachara Menon *(Chittur-Rural)*: We are in the mofussil, the same Doctor will operate for a less sum.

Dr. A. R. Menon *(Trichur-North)*: Sir, this subject was brought to this Council before and, after agitation after agitation, it was passed by a majority, recommending to the Government to impose some kind of payment upon those who can afford to pay. What is the underlying principle? The underlying principle is this. Our people unlike people in other countries, especially the rich people, always have got an aptitude to take advantage of such institutions for their own benefit, and in every hospital, as the Chief Medical Officer will tell you, the demand for admission to the hospitals is greater. Therefore it was thought that if a fee is imposed upon the well-to-do, there

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is a chance for the poor man to get in. The hospital is mainly intended for the poor people, while it will be unfair and unjust to close the door of the hospitals against the rich. The main object is such institutions do exist for the poor people and not for the rich. Gradually the rich people have monopolised all these institutions and it was found that a payment of at least a small sum will act as a corrective in regulating the flow of this rich people into the hospital. Certain exemptions were then sought to be made and a communication was addressed to me for my opinion. For, the House will remember in the first place, they wanted to make an exemption to the Government officials. My point is that if any one ought to be charged and charged freely, it is the Government official, for, while other people's income may fluctuate and conditions may influence their income, *i.e.*, remuneration, the Government officials are always in a safe position, not only that the Government safeguard their interests after retirement till the angel of death claims them as its own. In this Council, we raised our voice and protest against this exemption and there were two other exemptions sought to be imposed, *viz.*, exemption to the Ruling Family and their relations. I took exception to the word "relations", not to the Ruling Family. If you include the relations of the Ruling Family, then practically the whole of the Nayar population is exempted.

Dr. T. Verghese *(Chief Medical Officer)*: They are not exempted now. Relations have got to pay.

Mr. C. R. Iyyunni *(Trichur-South)*: About wives and children ?

Dr. T. Verghese *(Chief Medical Officer)*: They have to pay.

Mr. C. R. Iyyunni *(Trichur-South)*: They have not.

Dr. A. R. Menon *(Trichur-North)*: The exemptions claimed are for the people who are more competent and more able to pay than the other section of the people. May I know whether children of the Ruling Family are exempted ?

Dr. T. Verghese *(Chief Medical Officer)*: No, they are not exempted.

Dr. A. R. Menon *(Trichur-North)*: Children of the Ruling Family according to the *Marumakkathayam* system ? The children of a Prince are not members of the Ruling Family. Members of the ruling family, Princes and Princesses are exempted. We have no complaint. But the wives and children of the members of the Royal Family should not be exempted.

Dr. T. Verghese *(Chief Medical Officer)*: Even now they have to pay.

Dr. A. R. Menon *(Trichur-North)*: Then we went to the length of saying that if you give exemptions to these people, then we would rather withdraw this measure than allow it to be operative. What is the argument brought forward. There is only one cogent argument that the amount collected is so small that it is not worthwhile retaining this measure. I fully subscribe to that view. My complaint is that the order of the Government is not properly carried out. In the whole of Cochin State thousands of people are being treated in the hospitals. Do you mean to tell me that the income derived from the people is only Rs. 2,000 ? I don't believe.

Mr. A. V. Moothedan *(Chalakkudi)*: Very difficult to work it out properly.

Dr. A. R. Menon *(Trichur-North)*: Anything worth having is difficult to achieve. I honestly believe that it is a very good principle that we have introduced. At the beginning it may not be working very satisfactorily. I do not think that any great hardship is imposed by the collection of this small amount. The argument is only Rs. 2,000 has been collected and hence it is not worth having. It ought to be the other way. The amount is so small it would not be inflicting any great hardship upon a population of 15 lakhs. Also the inference to be drawn is that it was not properly collected ; otherwise the sum would have been much greater.

Deputy President: Only poor people are exempted.

Dr. A. R. Menon *(Trichur-North)*: You go and see the hospital. Then you will see.

Mr. V. J. Mathai *(Planters)*: Most of the rich people are getting into the payward.

Dr. T. Verghese *(Chief Medical Officer)*: We get from five to six thousand rupees.

Dr. A. R. Menon *(Trichur-North)*: There is no additional staff ?

Dr. T. Verghese *(Chief Medical Officer)*: In the payward, it is very little.

Dr. A. R. Menon *(Trichur-North)*: I have many a time expressed in this Council that the system of payward or paying hospitals should be introduced in different parts of the State, so that by levying a moderate charge for operations and things like this, you may be able to afford medical aid without incurring any additional expenditure, just as you have done in Ernakulam. That is a line that is worth pursuing. But this is the position. It may be working for two or three years. Let us see how it is working on ; then we must consider whether the system should be abolished or not. This Council therefore should not give any vote for the motion.

Dr. T. Verghese *(Chief Medical Officer)*: You want to make some radical change. After some time if we find that it is not working properly we can abolish it.

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Dr. A. R. Menon *(Trichur-North):* It was not introduced at our instance.

Mr. A. V. Moothedan *(Chalakkudi):* Government introduced *suo moto*.

Dr. A. R. Menon *(Trichur-North):* I raised some protest at the time when it was brought.

Mr. A. B. Salem *(Mattancheri):* May I remind the Hon'ble Member that the rule as framed was never placed on the table of this House for adoption.

Deputy President: You can say all these in your reply.

Dr. A. R. Menon *(Trichur-North):* That was the reason why we raised objection. Then we found how the wind was blowing. If you are going to give these exemptions, we said we would rather see that the measure is withdrawn. The emphasis was that such exemptions should not be given.

Dr. T. Verghese *(Chief Medical Officer):* If I remember right, these rules were never brought to my notice. They were really taken to the notice of the Hon'ble Members and they were approved by Dr. A. R. Menon.

***Dr. A. R. Menon** *(Trichur-North):* I was asked a question " what is your opinion ". I said I was against this exemption being accorded except to the members of the ruling family. On that of course all of us are agreed. I said the Council's objection is not against the members of the ruling family but to extent the concession to other sections. And I do not know whether they have accepted it or not. I have no further communication after that. I gave my opinon in my individual capacity. Now, Sir, this one was introduced, and after working it for sometime, you are saying, go on, make a change. In Madras they are charging and in many other places also. People come with a bottle and say, give me medicine and they take the medicine. Suppose you charge half an anna per capita ; the number of patients will be reduced ; not because they cannot afford to pay ; most of them come there just as people go to temple or churches for a kind of social gathering business in the out-patient department. The Chief Medical Officer will bear witness to this. They will be visiting months after months to the hospital with some kind of complaints, say stomach trouble ; the hospital people cannot help ; they give medicines. Apart from all these things, there is a principle involved, when this House, against the inclinations of the Government, persuaded the Government to impose these fees, and after working it for two or three years without any complaint from the department to interfere and to say that you should not carry on this any further seems to me to savour a little irresponsibility on our part. Therefore, Sir, without meaning any harm to anyone and fully convinced that this imposition is not very vexatious— on the other hand the staff was very considerate to the people considering the amount collected—I think this ought to be continued for some time more before we come to a decision of the abolition of the present system.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* I wish to support this motion. I had tabled a cut motion which I could not move in the medical budget. My reason is simply this, that this rule had nothing other than a sort of nuisance value, so far as the Government is concerned. That is my idea. I had a talk with many of the doctors. In spite of giving them some trouble in keeping proper registers, they are not able to levy proper fees or make necessary enquiries and collect the money. I think it is only for statistical purposes that they are keeping the registers. In fact, if they are asked to keep a register, it is absolutely impossible. The normal work of a doctor will suffer in another way. As things stand, a doctor is attending more than two patients a minute in the outpatient department. We will be taking much of their time if we ask them to keep a register. I have not found a single doctor in any of the hospitals who is in favour of this. I enquired of this to many doctors and the opinion is unanimous that it does not really help them to collect the money from the deserving people. It is impossible to work out. Since the amount realised is too small, Rs. 2,000 for one year, in all the hospitals put together—I think it is not worthwhile for the Government to attend to it.

Deputy President: It is a fact that it was introduced at the instance of the House.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* To my recollection, I don't think the House has ever asked the Government to charge for its medicines.

Mr. T. P. Poulose *(Kanayannur):* If I remember correctly, it was a resolution brought by the Government. It was passed by this House subject to a proviso that before the rules are introduced, the rules themselves should be placed before this Council. The reason for that

*Speech not corrected by the Hon'ble Member.

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proviso was that Government should not introduce exemptions in favour of Government servants and certain other people.

Mr. E. Ikkanda Warrair *(Cheruthuruthi)*: At any rate, the House can take it that the initiative never came from the House. We find that the working of it actually affects adversely the interests of the patients in the way of taking sometime of the doctors to attend to the patients, who have hardly any time for this. I don't think I need make any further speech.

The House rose for lunch at 1 p.m. and reassembled at 2-30 p.m. with Mr. K. Ayyappan, the Deputy President in the Chair.

Mr. M. L. Joseph *(Latin-Christians-Cranganur)*: I rise to oppose the motion. I am not prepared to agree with my Hon'ble friend the mover and also the other Hon'ble Members who supported him to think that this scheme was introduced as a source of revenue to the State. As such, I am not prepared to think again that the scheme has been a failure because we have been able to collect only a small sum of Rs. 2,000. In fact it is my view that the fact that we have not been able to collect more than Rs. 2,000 is itself ample testimony of the fact that the scheme has been working successfully. When I say it has been working successfully, I refer to the object with which this scheme was first introduced. When this Council supported the introduction of such a scheme like this, it was not, as I said before, with a view to increase the revenue of the Government, but it was with a view to have a deterrent on the rich public making use of the amenities that are usually intended for the poor section of the people. A rich man can get his treatment by paying money even from private practitioners, whereas the poor man is highly in need of those charitable services which the Government is rendering through hospitals. And as such, the income of the rich man to the hospital would as far as practicable be deterred with the result that more room should be made available to the poor man. It was perhaps with this object in view that this scheme was first introduced in this Council. And if more money is not collected, it is sufficient testimony to say that more and more rich men who once used to flock into the hospitals are now slowly going away from there giving space to the poor men to make the best use of the charge which the Government is going to give. It, is, therefore, I say we need not be guided by the collection from that head; on the contrary we must be more and more prompted to support the scheme from the fact that the money collected is becoming less and less. And, until the time comes wherein no money at all is collected from this head, I would say that the scheme will reach perfection and achieve the object with which this system was introduced. It is, therefore, I say that I have to oppose the motion.

മിസ്റ്റർ സി. കെ. നായർ: മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, ഞാൻ ഈ പ്രമേയത്തെ എതിർക്കുന്നു. നമ്മുടെ ആസ്പത്രികളിൽ ചികിത്സക്കു വരുന്ന സമ്പന്നന്മാരുടെ കയ്യിൽനിന്നും ഫീസ്സ് വസൂൽചെയ്യണമെന്ന് ഈ സഭ പാസ്സാക്കീട്ടും, ഗവമ്മെണ്ട് അതിനെ അംഗീകരിച്ചിട്ടും അധികകാലമായിട്ടില്ല. ഇപ്പോൾ ആ നിശ്ചയത്തിന്ന് മാറ്റം വരുത്തുവാൻ മതിയായതോളം കാരണങ്ങൾ ഉണ്ടോ? ആ വകയിൽ ഗവമ്മെണ്ടിന്ന് കൊല്ലത്തിൽ രണ്ടായിരം ഉറുപ്പികയിൽ അധികം വരവുണ്ടാകുന്നില്ലെന്നുള്ളതാണ് ഒരു കാരണമായി പറയപ്പെടുന്നത്. ഓരോ രാജ്യങ്ങളിലും അതാതു ഗവമ്മെണ്ടുകളുടെ കീഴിലുള്ള ജനസമുദായത്തിന്റെ ആരോഗ്യത്തെ രക്ഷിക്കുവാനുള്ള ബാദ്ധ്യത അതാതു ഗവമ്മെണ്ടുകൾക്കുണ്ട്. പട്ടിണി കിടക്കാതെ ജനങ്ങളെ സംരക്ഷിക്കുവാനുള്ള ഒരു പദ്ധതിപോലെതന്നെയാണ് ഇതും. എന്നാൽ സമ്പന്നന്മാർക്ക് ആഹാരം കൊടുക്കുവാനുള്ള ബാദ്ധ്യത ഗവമ്മെണ്ടിന്ന് ഇല്ലാത്തതുപോലെതന്നെ, സമ്പന്നന്മാർക്ക് ആരോഗ്യസംരക്ഷണാർത്ഥം ഔഷധം സൌജന്യമായി കൊടുക്കുവാനുള്ള ബാദ്ധ്യതയും ഗവമ്മെണ്ടിന്ന് ഉണ്ടായിക്കൂടാത്തതാണ്. ഈ രാജ്യത്തിലെ ദാരിദ്ര്യം കൊണ്ടു വലയുന്ന പ്രജകൾ ചികിത്സാർത്ഥം ആസ്പത്രിയിൽ ചെല്ലുമ്പോൾ ഔഷധങ്ങൾ തിന്പോയെന്നുള്ള ആവലാതികൾ കൊല്ലംതോറും നാം കേൾക്കാറുണ്ട്. പണക്കാർക്ക് വിലക്കല്ലാതെ മരുന്ന് കൊടുക്കുകയില്ലാ എന്നു വന്നുകഴിഞ്ഞാൽ അത്രയും ഔഷധം കൂടിയും സാധുക്കളുടെ ആവശ്യത്തിന്ന് ഉപയോഗിക്കുവാൻ സാധിക്കുന്നതാണ്. (ഹിയർ, ഹിയർ). ഇതു് സാധുക്കളുടെ ആരോഗ്യം കൂടുതലായി വളർത്തുന്നതിന്ന് സാധാരണയിൽ കവിഞ്ഞു് ഉപകാരപ്രദമാവുകയും ചെയ്യും. ഈ നിലയിൽ സാധുക്കൾക്കല്ലാതെ ആസ്പത്രികളിൽ ഔഷധം സൌജന്യമായി കൊടുത്തുകൂടായെന്നുള്ള നിയമത്തെ മാറ്റുന്നതു് സാധുക്കളോടു് ചെയ്യുന്ന ഏറ്റവും വലിയ ഒരു അപരാധം കൂടിയാകുന്നതാണ്. ഈ സഭ ചെയ്തുവെച്ച ആ തീർപ്പ് ഗവമ്മെണ്ടിലേക്ക് ആയം ഉണ്ടാക്കുന്നതിനുള്ള ഒരു മാർഗ്ഗം കൂടിയാണെന്നു് വിചാരിക്കപ്പെട്ടിട്ടുണ്ടെങ്കിൽതന്നെയും, ആയം കുറഞ്ഞുപോകുന്നുവെന്നുള്ളതു്, ദരിദ്രജനങ്ങളുടെ സൌകര്യം വർദ്ധിക്കുന്നതിനെ അപേക്ഷിച്ചു നോക്കുമ്പോൾ ഒരു ദോഷമായിയെന്നു് വിചാരിക്കുവാൻ ഇല്ല. അതുകൊണ്ടു് ഇന്നത്തെ നടപടിയെ മാറ്റുവാൻ പാടില്ലെന്നുള്ള അഭിപ്രായം ഈ സഭ സ്വീകരിക്കേണ്ടതാണു്,

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Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* At the outset, I would like to know who are the people exempted from the payment of fees in the hospitals.

Dr. T. Verghese *(Chief Medical Officer):* All poor people are exempted from paying. Members of the Royal Family are exempted, and wives and children of the members of the Ruling Family are exempted only from payment for surgical operations. Otherwise they have to pay all ordinary charges which any one else has got to pay.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Are all persons connected with the Ruling Family exempted ?

Dr. T. Verghese *(Chief Medical Officer):* Members of the Ruling Family.

Dr. A. R. Menon *(Trichur-North):* Is it only wives and children, or relations also ?

Dr. T. Verghese *(Chief Medical Officer):* Wives and children. Members of the Ruling Family are exempted from all charges.

Mr. T. P. Poulose *(Kanayannur):* May I know whether this forms part of the rules originally framed, or was it amended subsequently ?

Dr. T. Verghese *(Chief Medical Officer):* It was a subsequent amendment.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Sir, the principle that the State has a right to take money for these services from the rich and that the State is bound to place such services at the disposal of the poor on payment of no fees at all, is a very salutary principle. My friend Mr. Salem's argument against this principle comes to this that this rule is not applied properly; and that from its working the Government get only a pittance of Rs. 2,000 per year. This sum of Rs. 2,000 may be a small amount, but this amount can be utilised for the benefit of the poor. Whatever it be, the mere fact that the rule is not properly applied, or by the improper application of the same, the object is not attained does not vitiate the inherent soundness of the principle, so much so, consistent with my convictions I cannot oppose the principle. But Sir, I am sorry I have to say that the Government is following a very unwise policy in making this audious and invidious distinction. One can understand the Government making a distinction in the case of the members of the Ruling Family. We are very fortunate in having a multitudinous Ruling Family. To give the benefit of this principle to their wives and children which in practice exhausts a pretty large community in our State, is a proposition which I do not find my way to accept. Therefore I think to meet the ends of justice and fairplay, it is high time that this practice of levying fees should be done away with. Therefore I heartly support the resolution.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: On a point of information, Sir, ഞാൻ ഉദ്ദേശിച്ചതു് റോയൽ ഫാമിലിയിലുള്ള മെമ്പർമാരെ മാത്രമേ ഒഴിവാക്കിയിരുന്നുള്ളു. ഇനി കൊച്ചുകഴിയുമ്പോൾ അവരുടെ ഭാര്യമാരേയും, കുട്ടികളേയും ബന്ധുക്കളേയും ഒഴിവാക്കുക എന്നവരും.

Deputy President: It is a hypothetical question.

Dr. A. R. Menon *(Trichur-North):* At the time of the framing of rules, three exceptions were made—members of the Royal Family, wives and children of the members of the Royal Family and Government officials. The last two were not allowed in the Council. There was a querry whether the rule can be made applicable to them, and I put a note saying that while I am in agreement so far as the royal family proper is concerned, I am not in agreement with the wives and children and relations. That makes the matter much worse. That was the position. Therefore I don't think Mr. Panikker is right in saying that it was added afterwards.

Deputy President: Only members of the Royal Family were exempted.

Mr. T. K. Nayar *(Minister for Rural Development):* Dr. Menon's suggestion was accepted at the beginning.

Mr. P. K. Madhava Menon *(Narakkal):* When was this exemption made?

Dr. T. Verghese *(Chief Medical Officer):* On 24th November, 1941.

Dr. A. R. Menon *(Trichur-North):* If you alter the rule and then saddle the whole responsibility on this Council, because the Council passed a resolution, is it fair ? I was taking the responsibility saying that a Council passed this resolution and it is the duty of the Council to stick to it. Then you alter the rules.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* There was some hesitation also.

Mr. M. L. Joseph *(Latin-Christians-Cranganur):* In view of this, I have to make a further statement. If the Government is going to alter the rules, I don't think I can be a party to it, unless the Government is prepared to take away all these exemptions and include Ruling Family members alone. We are not prepared to be a party to this scheme.

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Deputy President: I may point out to the attention of this House that this is not the way of attacking the other aspect of the question. If the principle is sound, you have to support that principle.

Dr. A. R. Menon *(Trichur-North):* The sound principle is being vitiated by all these rules.

Deputy President: Is there not any other method of rectifying this vitiation?

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* We shall be satisfied by the Government amending the rules.

മിസ്റ്റർ കെ. എസ്സ്". പണിക്കർ: അന്നതന്നെ ഈ നിയമസഭയിൽ പറഞ്ഞിട്ടുണ്ട്", ഈ നിയമസഭയുടെ അറിവുകൂടാതെ ഒരു റൂളുണ്ടാക്കുവാൻപാടില്ലെന്ന്".

Dr. A. R. Menon *(Trichur-North):* There was a protest. The main point raised in the Council was with regard to exemptions. I said if you are not agreeable to make these changes, the Council will not be on your side. I am not also willing to support you. As a matter of fact I have made suggestions, rightly or wrongly, in this Council. Government brought the resolution and the House supported it.

Mr. T. P. Poulose *(Kanayannur):* Subject to the proviso that the rules are approved of by the Council.

മിസ്റ്റർ എം. എൽ. ജോസഫ്": പണമുള്ള ആളുകളുടെ പക്കൽനിന്നു പണം വാങ്ങണമെന്നുവെച്ചിട്ട്, പണമുള്ളവരെ ഒഴിവാക്കുകയെന്നുവന്നാൽ പിന്നെ അങ്ങിനെ ഒരു നിയമമുണ്ടാക്കണോ?

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* In the matter of this resolution, we find as the discussion goes, there is a lot of confusion regarding the exact operation of this resolution. So far as the principle is concerned, I think the House, if not unanimously, by a large majority passed that such a rule should be introduced and the principle underlying that rule was thought to be to make this as a sort of leveller against the rich public and in order to make the hospitals more and more available to the poor class people. Such a small sum is levied which won't affect the rich seriously. The idea of finance or revenue never entered into discussion.

Deputy President: That aspect has already been adverted to by many members.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* When the rules were framed, so far as I know, there was a lot of discussion mainly on the ground that the rules were framed without consulting this Council. That is one of the reasons. Several exemptions are provided which gave rise to controversy here. Now, the effect of the rule was to nullify in respect of persons who are sought under the principle itself to pay the necessary fee and who should be obligatorily brought under this. Now, barring one class of exemption in respect of the Royal Family the exemptions provided for in respect of wives and children and relations—I think the word relation was so elastic that it might take in even the fiftieth remoter of the sort—of one of the Princes—to that, the scope of the exemption in respect of the wives and children of the Princes of the Royal Family was so widened as to take in the whole of nayar families, as Dr. A. R. Menon raid. Anyhow, it was a mischievous exemption, and it was resented to by a large section of the House. In fact, the controversy ranged mainly on that, and I do not know what all steps have been taken by the Government with regard to restricting operation of the section.

Dr. A. R. Menon *(Trichur-North):* They removed the word relations, I am told.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* I am told that the modification is with regard to some relations of the wives and children and also in respect of cases of surgical operations. My submission is there is absolutely no necessity for introducing an exemption except in favour of the members of the Ruling Family. The very idea that a payment should be levied upon people who can afford to pay and who do not go to the hospital should also be applied with greater force to persons who come under the other exemption. So that my submission is that since there is no objection so far as the principle is concerned, the quality of the exemption should be to narrow down still further and it was not fair on the part of the Government to have almost cleverly managed to amend the rules in such a way as to make a few changes and let the operation of the exemption not very much affect. Of course, the Joint Secretary made a remark—"You may pass the resolution"—That is not the way in which an objection brought forward from this side should be viewed by a member of the Treasury Bench. The Joint Secretary made some slighting remarks.

Mr. C. J. Mathew *(Joint Secretary to Government):* I never made any remark.

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Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Kindly excuse me. Then, with regard to the merit of the resolution, Mr. Salem's point is that this has become a sort of nuisance to several people and people have been made to utter falsehood by reducing their income and that the income derived by this is after all very little. These are the three main points adverted to. So far as the income is concerned, I already submitted that the financial aspect of the question is not the underlying idea in introducing this rule. Whatever income is received, it goes to the treasury. The underlying idea is, as I already explained, the humanitarian aspect of it. That has absolutely no ground. With regard to the nuisance and all such things, I don't think there is any point. Probably it may be that the doctors who are in charge of the various hospitals, may not be working out these rules in the rigid sense in which it ought to be worked out. That can only be the reason for the poor collection that is made. The principle is a salutary one and should not be deviated from unless a case has been made out by the House that the rule should be changed. Since the rule has begun to work only for two years, it is too early to effect any modifications except with regard to the limit of exemption which has been introduced behind the back of the Council.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ : സർ, രാജകുടുംബത്തിലെ അംഗങ്ങളെ ഇതിൽനിന്നു ഒഴിവാക്കിയതിൽ ആക്ഷേപം യാതൊരു ആക്ഷേപവുമില്ല. അവരോട് ബന്ധപ്പെട്ട കിടക്കുന്ന നേതൃാരമ്മമാരേയും, അവരുടെ മക്കളേയും ഒഴിവാക്കിയതിലും സങ്കടമില്ല. എന്നാൽ അതിലും കൂടുതൽ ബന്ധമുള്ള ഒരു കൂട്ടരുണ്ട്. അവരെയാണ് ആദ്യമായി ഒഴിവാക്കേണ്ടിയിരുന്നു. രാജകുടുംബത്തിലെ അംഗങ്ങളുടെ അച്ഛന്മാരായ നമ്പൂതിരിമാരെ ഇതിൽനിന്നും ആദ്യംതന്നെ ഒഴിവാക്കേണ്ടതായിരുന്നു. അതു ചെയ്യാതെ ഇവരെമാത്രം ഒഴിവാക്കിയതു് ശരിയായില്ലെന്നുള്ള ആക്ഷേപമാണ് എനിക്കുള്ളതു്.

Mr. P. K. Madhava Menon *(Narakkal):* On a point of information, will the Government be pleased to state what was the occasion to make such an exemption in November 1941?

Dr. A. R. Menon *(Trichur-North):* Let us make our position clear. What was the real exemption at the beginning when you framed the rule? To whom did you give exemption?

Dr. T. Verghese *(Chief Medical Officer):* Only to the members of the Ruling Family.

Dr. A. R. Menon *(Trichur-North):* Later on, this was added. Is it not so?

Dr. T. Verghese *(Chief Medical Officer):* I have made it clear. Only with regard to surgical operations they are exempted.

Dr. A. R. Menon *(Trichur-North):* But that exemption was not in the original rule.

Dr. T. Verghese *(Chief Medical Officer):* No. Only members of the ruling family; and their wives and children are exempted from the levy of fees for surgical operations.

Deputy President: The exemption granted to wives and children in the case of surgical operations was in November 1941.

Dr. A. R. Menon *(Trichur-North):* Our point is, that the exemption was not present at the beginning.

Mr. T. P. Poulose *(Kanayannur):* This question came before the House in the form of a resolution at the time of the predecessor of the present Hon'ble Member for Medicine. If I remember correctly, when that resolution was moved before this House, certain rules, were also circulated among the members. In those rules, the exemptions to which the Hon'ble Member for Trichur has just now referred were present. This House was for accepting what it considered to be a salutary principle that rich persons should be charged for the services they get from the medical institutions in the State. At the same time the members of this House were not in favour of giving exemptions to Government servants and to the wives, children and relatives of the members of the Ruling Family. But the device adopted by the Government at that time was to place only the resolution before the House. The draft rules were only circulated among the members. They did not come up for discussion at that time and the rules did not form part of the resolution. But since the members were not prepared to accept the draft rules, I think it was my Hon'ble friend Mr. Devassy who moved an amendment to that resolution. The purport of that amendment was that the resolution should not be given effect to unless the rules framed by the Government in pursuance of that resolution were placed before this House and accepted by this House. A reference to the proceedings of that particular meeting of the Council will bear out the truth of what I say. It was also explained to the House that the reason for moving that amendment was that the Council was opposed to some of the exemptions contained in the draft rules, particularly, the exemption in favour of Government servants and exemptions in favour of wives, children and relations of members of the Ruling Family. The House in

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passing the resolution with that amendment gave its unequivocal verdict that the House accepted the salutary principle of charging rich patients, with fees while the House was opposed to some of the exemptions in the draft rules. Government when they gave effect to the resolution, respected the views of this House and gave exemption only to the members of the Royal Family. The other exemptions in the draft rules were not incorporated in the final rules. The rules worked in that form for a pretty long period. Without again consulting this House, it was not proper on the part of the Government to change those rules and introduce an exemption against which the House had already made its protest on the previous occasion, especially in view of the fact that the Government at that time respected the protest of the House. So there cannot be any justification for the Government to have introduced this change. At the same time I do not feel that the proper way of recording the protest to that objectionable action on the part of the Government is to support this resolution. We have passed the resolution recomending to the Government to charge fees on rich persons as we thought that there was justification and necessity to do so. Such a rule has two salutary effects:—One is, as Mr. Joseph explained, a reduction in the number of rich patients going for medical help to the hospitals, asd the other some increased revenue for the Government which can be made use of for treating a larger number of poor people. The first one may be more important. In both these ways its effect is good. Simply because Government acted in an arbitrary manner in introducing a change to the rules first framed, we will not be justified in voting against a system which we thought was very salutary and which we even now think is very salutary. The result of voting in favour of Mr. Salem's motion is to recommend to the Government to abolish the system altogether. While we are actually in favour of it and while we want to improve it, we cannot vote for its abolition. As was pointed out by the Hon'ble the Deputy President, the proper way of protesting will not be to vote for thsi resolution.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, ഗവമ്മെണ്ടിൽനിന്നും പ്രൊയിം ചെയ്തിട്ടുള്ള റൂളുകളുടെ അടിസ്ഥാനതത്വത്തെപറ്റി ആക്ഷേപമില്ല. വാസ്തവത്തിൽ ഈ റൂളനുസരിച്ചു ഇതു നടപടിയിൽ വരുത്തേണ്ടതു അതാതു ആസ്പത്രികളിലെ ഡാക്ടർമാരാണെന്നു് നമുക്കെല്ലാവക്കും അറിയാം. ആസ്പത്രിയിൽ ജോലിചെയ്യുന്ന ഡാക്ടർമാർ അവിടെ വരുന്ന രോഗികളുടെ കയ്യിൽനിന്നു കുറേശ്ശെയായിട്ട സംഖ്യ മേടിക്കമെന്നുള്ളതു നമുക്കെല്ലാവക്കും അറിയാവുന്ന ഒരു കാര്യമാണു്. അങ്ങിനെയുള്ള രോഗികളുടെ കയ്യിൽനിന്നു ഒരു സംഖ്യ ചുമത്തി ഗവമ്മെണ്ടിലേക്കു വസൂലാക്കമെന്നുള്ളതു വളരെ വിഷമമായിട്ടുള്ള ഒരു കാര്യമാണു്. അതു കൊണ്ടായിരിക്കണം ഈ രണ്ടായിരം ഉറുപ്പികയിൽ കൂടുതൽ കിട്ടാതിരുന്നിട്ടുള്ളതു്. റൂൾ അനുസരിച്ചു പ്രവൃത്തിക്കുകയാണെങ്കിൽ തീച്ചയായിട്ടും ഇതിനേക്കാൾ കൂടുതലായിട്ടുള്ള ഒരു സംഖ്യ കിട്ടുമായിരുന്നു.

മിസ്റ്റർ എം. എൽ. ജോസഫ: ഇവിടെ പറയുകയുണ്ടായി ഈ റൂൾ അനുസരിച്ചു പ്രവൃത്തിക്കുന്നതുകൊണ്ടു സാധുക്കൾക്കു വളരെ ഗുണമുണ്ടെന്നു്. അതല്ല, ഇപ്പോഴും പണക്കാർക്കു തന്നെയാണു് ഗുണമുള്ളതു്. ഡാക്ടർമാർ തന്നെ ഈ ഫീസ്സു പിരിക്കുകയാണെങ്കിൽ സാധുക്കൾക്കു എന്താണു ഇതുകൊണ്ടു ഗുണം കിട്ടുവാൻ പോകുന്നതു്? ഇപ്പോൾ നടക്കുന്ന നിലയിൽ സാധുക്കൾക്കു രക്ഷ കിട്ടുമെന്നു പറയുന്നതിലർത്ഥമില്ല. വാസ്തവത്തിൽ ഇതിന്റെ റൂൾ പ്രൊയിം ചെയ്തതനുസരിച്ചു പ്രവർത്തിച്ചാൽ ഗുണമുണ്ടാകുന്നതാണു്.

ഗവമ്മെണ്ടു് ആദ്യം കൊണ്ടുവന്നതിൽനിന്നു കുറച്ചു ഒരു മാറ്റം ചെയ്തു് ഒരു റൂൾ കൊണ്ടുവന്നു നടപ്പാക്കിയതു ശരിയായില്ല. ആദ്യം ഈ റസലൂഷൻ അവതരിപ്പിച്ചപ്പോൾ മിസ്റ്റർ ദേവസ്സിയുടെ ഒരു അമണ്ടുമെണ്ടു് ഉണ്ടായിരുന്നുവെന്നു പറഞ്ഞുവല്ലൊ. അതിൽ പ്രത്യേകിച്ചും പറഞ്ഞിട്ടുണ്ടു്. ഈ റൂൾ പ്രൊയിംചെയ്ത ഈ കൌൺസിലിൽ കൊണ്ടുവന്നു പാസ്സാക്കിയതിനുശേഷമെ അതു നടപ്പിൽ വരുത്തുവാൻ പാടുള്ളുവെന്നു്. ആ സംഗതിയെ വിസ്മരിച്ചു കൊണ്ടാണു് ഗവമ്മെണ്ടു് ഇങ്ങിനെ ചെയ്തിട്ടുള്ളതു്. ഗവമ്മെണ്ടു് കൌൺസിലിന്റെ ദൃഷ്ടിയിൽ വെക്കാതെ ഇതു ചെയ്തതു ശരിയായില്ല. അതുകൊണ്ടു് ഇതിൽ വരുത്തീട്ടുള്ള ഭേദഗതിയെ പ്രതിഷേധിക്കുന്നതിനുവേണ്ടി ഇതു തള്ളിക്കളയേണ്ടതാണെന്നാണു് എന്റെ അഭിപ്രായം.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: Sir, I support the resolution. It was with much hopes and expectation that this Council gave its assent to the resolution moved by the Government to levy reasonable rates of fees for treating well-to-do patients some time back. But from the figures presented by the Government, I am led to think that a privilege which was conferred upon the Government by this House has been handled very unsatisfactorily by the

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Medical Department. When we gave our assent to the resolution enabling them to levy fees on well-to-do patients this House had expected that the receipts on that account will come to a considerable amount and that we will be able to give more liberal grants towards the medical budget. But nothing has happened and we see that the Government has tried only to prick holes on the privilege which has been given to them. Sir, I ask why so many exemptions have been given. When we consider these matters, it will be seen that the people whom the Government want to tax are very limited, and if the Government is going on with such a policy, I suppose that we have given a privilege on an authority which is bent upon misusing those privileges. I remember that the Hon'ble Member for Trichur Dr. A. R. Menon was from the very beginning insisting upon certain modifications in the working of the Medical Department. He, as many of the Hon'ble Members know, is a person with much experience in the working of the medical institutions in England, and I remember that he has stated in this House that in England and other civilised countries, no well-to-do man would go to any hospital for free treatment. Their sense of public morality demands that they must pay for the services they get from the medical profession. But things are otherwise here; and it is the concern of every well-to-do man in this unfortunate country to take as much as possible from the Government because Government service and Government money is nobodys. In such a country by the introduction of such a system, we thought that the people may be made more responsible and the large medical budget we are granting every year can be utilised for the use of the poorer classes. But the working of the system has proved a collosal failure and I do not know what reason there is to continue this system which has been a failure from beginning to end. It may not be understood that I am against the principle of the system for which this Council gave its assent some years back; but in the working of the system it has been proved that the benefits which we had intended are not forthcoming and it is honoured more in its breaches than its observance. So, for these reasons, I give my support to the motion.

Dr. T. Verghese *(Chief Medical Officer)*: Sir, the resolution suggests the total abolition of all charges for all persons resorting to hospitals. This system was introduced in the State only a year ago and the income during last year was Rs. 2,000. Judged by the mere receipts, we cannot say whether the system has been working successfully or not. Such a judgment is not altogether fair. I am prepared to concede that all the rules framed with regard to the levy of charges are not what they might be and I do think some changes and alterations may be desirable.

Mr. M. L. Joseph *(Latin-Christians-Cranganur)*: On a point of information, may I know whether the Chief Medical Officer is prepared to revise the rules?

Dr. T. Verghese *(Chief Medical Officer)*: I am not taking about exemptions. I am saying about the actual charges. Some of the charges are not at all to the merit of the patients.

Mr. C. R. Iyyunni *(Trichur-South)*: May I know whether when the rules were framed, you were not consulted?

Dr. T. Verghese *(Chief Medical Officer)*: No. I was not consulted. I was not here.

Dr. A. R. Menon *(Trichur-North)*: With regard to these rules, this Council has no objection. The department may consider and do it. Our only objection is with regard to exemption. This is a technical matter and you know better. I don't think the Council will ever interfere with you in the matter.

Mr. C. R. Iyyunni *(Trichur-South)*: We do not agree with you. In the General Hospital Trichur, for an operation to be effected, certainly they may charge. The medical men there may be much more efficient than those in other places. Now, the fees is Rs. 75 whether it is in Mattancheri, or in Ernakulam or Trichur or Chalakkudi. There is absolutely no distinction. We do not agree with the views expressed by Dr. A. R. Menon.

Dr. T. Verghese *(Chief Medical Officer)*: I do not know. I have to concede that certain alterations have to be made. Considering the time namely only one year, that it has been working, I think that it is too early now to say whether the system has been successful or not. With regard to the policy of charging well-to-do patients, Government have already listened to the discussions for and against and Government will look into the matter. Before a final decision is arrived at, the various points raised will be considered. Just now, I don't think I will be able to give you more information.

Dr. A. R. Menon *(Trichur-North)*: The main consideration is the policy and if the Government are going to change the policy they can do so, consistent with the dignity and the vote of this House; because this House supported you in bringing forward this system. But the contention here is that there may be difference of opinion in regard to the policy. With regard

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to exemptions given there is practical unanimity against such exemptions. That exemption vitally affects the underlying principle of this measure.

Mr. A. B. Salem *(Mattancheri)*: In introducing this resolution, speaking upon the main resolution, I did not anticipate any opposition from any of the members, because I thought the members knew the implication of it thoroughly, that it needed no further words from me. But I find many members have forgotten the words or their memory is not correct. It has therefore devolved upon me in winding up the debate to touch upon these matters. I shall now state what is in the order of the 1st November 1940, Dis. 8616/14, which order has to be cancelled under the resolution. I have not said that you should bring in another order. I only asked that this order should be cancelled. What are my reasons for the cancellation of this. In para 3, of the order it is stated, that "the Council while accepting the principle underlying the proposal suggested that it should be given effect to as per the rules passed by this Council". And what happened? How was the original resolution passed. The Council accepted that the well-to-do in the hospital may be charged and the rich may be made to pay for medical attendance as well as other services rendered, and asked the Government, "make the rule, bring it here, let us discuss," and as passed by this Council, it shall be introduced in the country. Government did not think that there is any need to get the rules fixed and passed in the House. One Hon'ble Member was saying that there may not be a case for cancelling this. On the very face of it, it should have been cancelled for the prestige of the House.

Mr. T. P. Poulose *(Kanayannur)*: On a point of information. Do these proceedings give the reason for the Government to decide that there was no need to consult the Council. May I know whether they have said therein that the reason for the Council to insist that the rules should be passed by the Council was that the Council was against giving exemptions to Government servants and wives and children of the members of the Ruling Family and that the Government proposed to give effect to that view of the Council and that therefore there was no necessity to consult the House on the rules. Is that the way in which it is worded?

Mr. A. B. Salem *(Mattancheri)*: If the Hon'ble Member wants the order, I shall give him a copy. For the introduction of the new system, the opinion of the Legislative Council was ascertained by placing the matter before the Council. The Council while accepting the principle suggested that it should be given effect to only as per the rules passed by the Council. The categorical statement of Government is—"Government did not think that there is any need to get the rules passed by the Legislative Council. A copy of the rules passed by the Government is appended to this Proceedings. A copy will be placed on the table of the Legislative Council. This new system is to come into effect on 1st Kumbham."

Mr. T. P. Poulose *(Kanayannur :)* This intention expressed by the Legislative Council was given effect to in the Proceedings. That remains as a fact.

Mr. A. B. Salem *(Mattancheri)*: I cannot be answering all these questions. What I am aiming at is the principle of charging the well-to-do patients was accepted by the House and the House said that the details of the payment that will be imposed upon the people at large—this sick section of the population—should come before the House and as passed by this House may be given effect to. Now Government said, you have accepted the principle of payment; all the rest is our business. What should be charged is our business; none of your business; what we would levy upon the people is our business not yours; let us examine that position. In introducing this Council, Government said the Council will have the privilege of being consulted on all important matters relating to administration and the most vital factor, namely, the control of finances will be practically in your hands. Now, I submit this proceedings is a practical levy of fees; fees for coming into the hospital; operation fees; levy on a certain section of the population, namely the sick population that comes to the hospital. Now to make that levy on the population is an additional income to the treasury; it is not going to the hospital; that money coming on that head is not spent in giving them additional amenities and I think the amount now spent by Government in the hospitals per head is 2 annas for feeding the sick. And what are you charging, 4 annas for the lowest man. A man getting Rs. 50 is charged 4 annas, Rs. 50 to 100, four annas; Rs. 100—150, 8 annas, 150 to 200, 12 annas; Rs. 200 or more Rs. 1—4—0. What the Government has done is, they have made a graduated scale. Even for Rs. 500, he need pay Rs. 1—4—0. That is also not a correct principle. Apart from the correctness of principle, I say when you make a financial levy upon a section of a population, the consent of the House should first be obtained. That is why the Legislative Council said in consonance with their tradition that these rules before they are actually brought into practice, should be discussed here. I attempted even before this resolution was introduced, to bring in a motion. I did not succeed. I said let us discuss it before we

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introduce it. Before Kumbham there was a meeting; I wanted to bring it before the House for discussion. Then I could not do it because the rules and other things were so interpreted by those who were in charge of the Legislative Council. From 22nd December 1941, I wanted to bring a motion to correct the rules, so that it may be made reasonable; but I could not succeed. Therefore there is no point in saying that while we have accepted the principle underlying the system of paying fees introduced in the hospitals in our State, we are debarred from throwing out those proceedings and asking the Government to cancel the proceedings. By cancelling the proceedings, we are not shutting the door of that principle; we are only cancelling the proceedings which has not been placed before and passed by this House. Government can still bring draft proceedings, table it as resolutions get it passed by this House; then we will consider all the various aspects of the case whether the charges in the General Hospital should be the same as in other hospitals Trichur, Irinjalakkuda Mattancheri, etc. Now we have introduced by these proceedings uniform charges in all these hospitals, but the comforts and amenities provided in these hospitals are not identical. Therefore, I am glad to hear that this proceedings is not quite correct. I am glad that the Chief Medical Officer has said that in his opinion it is worth while to reconsider the details of it. And we have got the astounding statement that he was not consulted in framing this.

Dr. T. Verghese *(Chief Medical Officer):* The Chief Medical Officer was consulted. I personally was not consulted. I was not here at that time.

Dr. A. R. Menon *(Trichur-North):* Dr. Rao was here at that time.

Mr. A. B. Salem *(Mattancheri):* I do not know who was the C. M. O. If it was Dr. Rao, he would not have cared, because he was going away.

If a man getting Rs. 100 per month has to pay Rs. 75 for an operation what will he eat if he has got a family? It is most inequitable. Then if he has to pay at the rate of 8 annas for ten days it will come to another Rs. 5. The balance left will be only Rs. 20.

Dr. T. Verghese *(Chief Medical Officer):* I have already said that it will be looked into.

Mr. A. B. Salem *(Mattancheri):* Now you agree that some difficulty is felt and you feel the necessity for some change. Therefore, leave it to us to make those changes. My position is this. The change cannot be left in your hands alone. We must cancel the present system and any new system that you want to introduce you can bring to the House. Let us consider it in a full debate and pass that.

Dr. T. Verghese *(Chief Medical Officer):* Does the Hon'ble member want this House to be consulted in fixing the rates for these various operations?

Mr. A. B. Salem *(Mattancheri):* That can be done by a Select Committee of this House constituted by the Government and the Chief Medical Officer will give the expert advice. The money comes from us. It may be that the Hon'ble Member Dr. A. R. Menon may be able to pay Rs. 75. I am not able to do that. These two aspects must be considered in this House. Ours is a small country and we are small people. In the neighbouring State of Travancore which we are following in many respects and which follow us in many respects there is no charge. I made enquiries and I found there was no charge yet introduced.

Dr. T. Verghese *(Chief Medical Officer):* In Travancore also there are charges. But it may be that the rule is honoured more in its breach than in its acceptance.

Mr. A. B. Salem *(Mattancheri):* Anyhow they are not paying anything at present. I did not even say that we have got to pay because I did not want to lower ourselves. This is a charitable institution to which the sick people go. My friend's argument was that the rich people were flooding the hospitals. Have you rich men in this State to take advantage of this free treatment? It would seem that everybody in Cochin is rolling in money. Before this you were crying "People are immersed in debt. We want "relief, relief, relief". Now you say that people in Cochin have a lot of money and that they must be charged. Both these arguments cannot be reconciled. Sir, half a dozen rich people may be taking advantage of this. The great majority of our people are poor and the middle class cannot afford anything like this luxurious treatment for payment. They could only go to these Hospitals and when they go there they find this big burden.

Sir, on the constitutional aspect also you must support this resolution and pass it. Let us make a new system. Bring it into the House, pass it and introduce it in the country. But a system that is in force without the consent of the House must go. In defiance of the House and in opposition to the express view of the House that it must be placed before the House the Government said "No." Therefore, there can be no compromise on that. What is to be done? Our honour, prestige and dignity are affected and our authority must be asserted. If

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Government does anything in violation of the express wishes of this House that must at once be resisted. If the Government think that they can do anything and tame this House with the support of a few members here and there from the non-official side of the House there will be no progress. Let us make the Government understand that they cannot violate the wishes of this House, that there is a vigilant Legislative Council which will not allow it. Therefore, I appeal to this House, keeping in mind that the principle of charging well-to-do people will not be affected in the least, that this Proceedings passed behind the House and in defiance of the wishes of this House must go and surely it must go when the Hon'ble Member in charge of Medicine himself says "I think a revision is necessary". Bring a revised scheme. We shall pass it.

Dr. T. Verghese *(Chief Medical Officer)*: Do you mean revision with regard to the actual scale of charges?

Mr. A. B. Salem *(Mattancheri)*: The charge against the Government is the charge is high.

Dr. T. Verghese *(Chief Medical Officer)*: Does the Hon'ble Member require only some revision of the charges or does he require a total abolition of all the charges?

Mr. A. B. Salem *(Mattancheri)*: What I am saying is that the present order must be cancelled. (A voice. Do you object to the exemption?). I have no objection. Let them exempt whomsoever they like.

Mr. C. J. Mathew *(Joint Secretary to Government)*: Are you for the total abolition of the whole system?

Mr. A. B. Salem *(Mattancheri)*: I am for cancelling this proceedings. I am not for the abolition of the principle of well-to-do people being charged. I say this proceedings having not the assent of the House must be cancelled. You are entitled to bring in another system. The principle stands.

Dr. A. R. Menon *(Trichur-North)*: By cancelling this proceedings the present system comes to an end.

Mr. A. B. Salem *(Mattancheri)*: The present charges come to an end. You are at perfect liberty to bring in a new system.

Dr. T. Verghese *(Chief Medical Officer)*: That we know. But the cancellation of this proceedings means the end of the system of charging.

Mr. T. P. Poulose *(Kanayannur)*: There is no recommendation in this resolution for introducing a new system.

Mr. A. B. Salem *(Mattancheri)*: But it does not prevent a new proceedings being used revising the scheme.

Mr. T. P. Poulose *(Kanayannur)*: But that is not seen from the wording of the resolution.

Mr. A. B. Salem *(Mattancheri)*: I am the Mover of the resolution. I conceived the resolution and I brought forth the resolution. My resolution is not against the principle of charging the well-to-do in the Hospital. My only proposition is that this particular proceedings which has been brought into force in the country by the Government against the express wishes of the House to have the rules considered in this House should go. It does not prevent the Government from tabling another resolution in this House, getting it passed by this House and bringing it into force.

Deputy President: Are you pressing this resolution to cancel the Government Proceedings because the rules contained in the proceedings were not placed before this Council?

Mr. A. B. Salem *(Mattancheri)*: My main reason is that.

Mr. A. V. Moothedan *(Chalakkudi)*: The issue is there, that the proceedings should be cancelled. Each member will have his own reasons. Are you prepared to subscribe to that view?

Dr. A. R. Menon *(Trichur-North)*: Cancellation of the proceedings means abolition of the present system of levying of these charges in the hospitals and the restoration of the old order of things. That is the idea. Why is it done? It is done because certain conditions imposed upon the Government in giving them general permission to carry out this proposal were not fulfilled by the Government. Therefore, the whole proceedings should be cancelled as a protest. That is the main reason.

Mr. A. B. Salem *(Mattancheri)*: I am pressing it to a division, Sir.

Deputy President: Before putting this resolution to vote I will have to bring to the notice of the House certain aspects and implications of passing or rejecting this resolution. The Hon'ble mover of this resolution in his speech demanded that either some alterations in the

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rules must be made or the whole system of levying these charges should be done away with. That was his original position. In his concluding remarks he shifted his ground and said that the main point for moving this resolution was that the Government did not consult this House before framing these rules. Two different issues are there. The majority of the members who supported the resolution did not really support him. They are supporting his resolution as a protest against the widening of exemptions effected by the Government.

Mr. A. B. Salem *(Mattancheri)*: When I first moved this resolution I did not think that the discussion will be going this way. That is why I supplemented my argument with the other words.

Deputy President: What is your issue now ?

Mr. A. B. Salem *(Mattancheri)*: That this order should be cancelled.

Deputy President: Why ?

Mr. A. B. Salem *(Mattancheri)*: Because it was not discussed in this House.

Deputy President: I simply explained this aspect. The majority of the Hon'ble Members who supported him did not really support his demand for the cancellation of the order. They support him as a protest against the widening of the exemptions given in the rules. Therefore, the Government may reconsider their position with regard to this resolution.

Dr. T. Verghese *(Chief Medical Officer)*: Government would like to be guided by the sense of the House with regard to the implication of this resolution.

Mr. K. M. Ibrahim *(Cranganur)*: Then the Government intend to remain neutral ?

Dr. T. Verghese *(Chief Medical Officer)*: I never said that.

Dr. A. R. Menon *(Trichur-North)*: The implication of the resolution is as Mr. Salem wanted, to cancel a certain proceedings. The effect of that cancellation will be the abolition of the present system and reverting to the old order of things. There are members here who while recognising that the system is a proper one and a healthy one think that the Government by their wilful disinclination to carry out the directions given by this Council deserves some harsh treatment. Therefore, some of them thought this is an occasion to support Mr. Salem to cancel the whole proceedings. But in doing that because we wanted to punish a small mistake we are going to commit a bigger mistake by interfering with the sound principle that we have already established. There are people who think that it is a sound principle but at the same time they think that the Government has committed an error of judgment to put it very mildly in not giving effect to the recommendation of the Council in framing rules. But at the same time I hold that because a mistake is committed I should not commit a bigger mistake as a punishment. That is the whole point.

Deputy President: Another point that I have to bring to the notice of the House is that the Government have not conceded that they will place before the Council the rules they make. Therefore, the House will have to consider very deeply whether it will be advisable to pass a resolution against a sound principle on this ground that the Government have not placed the rules before the House. The House will have to consider all these aspects before they give their vote.

Rama Varmha Tampuran *(Secretary to Government)*: Sir, The Government oppose this resolution for the simple reason that always rule-making powers are reserved with the Government. In any Act it is so. If there are any mistakes in those rules then it is open by way of a resolution to point it out to the Government and have that mistake rectified. It is only the Bill that is placed before the Council for its considerations. The Government can never in any circumstances concede that they cannot make rules without consulting this House.

Deputy President: I did not say that the Government will not concede and cannot concede. I simply said and they have not till now conceded".

Mr. A. B. Salem *(Mattancheri)*: You cannot levy a pie upon a section of the population without legislative sanction. That is a principle that has been already adopted. I have been having free treatment in the hospital. Now I am asked to pay. That cannot be done by means of a rule following a resolution. Therefore, whenever you want to levy even a single pie upon the public you must have legislative sanction.

Deputy President: But that is not rule-making.

Mr. K. M. Ibrahim *(Cranganur)*: Is there not an alternative of getting Mr. Salem's resolution amended in the proper way ?

Deputy President: No.

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Mr. T. P. Poulose *(Kanayannur):* We are voting on the resolution as it stands irrespective of the explanations given by the Mover and the several other members who spoke on the resolution.

Deputy President: Not irrespective of the explanations and the implications. All the speeches are there. The main resolution as moved by Mr. Salem is also there. The Government will take their own inferences.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I want to make myself sure of the issue. If the question is as to whether Government should concede the proposition that these rules if they are to be worked should have the approval of the House, the Government will have to oppose the resolution. If the point is that there should be a revision of the existing scale of charges we may remain neutral.

Mr. T. P. Poulose *(Kanayannur):* If the Government now want to abolish the system of levying charges and if they want to do so on a recommendation of this House they can very easily take advantage of the attitude taken by this House in voting for this resolution whatever be the reasons which prompt us to do so. The Government say that they are going to remain neutral. They are not against the abolition of the fees. Some members want to support this resolution as they are against the levy of the fees. Some others want to support this resolution as they are against the framing of the rules without consulting the House. If we support this resolution for reasons other than what are implied in the resolution.....

Mr. A. V. Moothedan *(Chalakkudi):* The issue is stated. There is no implication.

Mr. T. P. Poulose *(Kanayannur):* If we support this resolution for reasons other than what is relevant to the issue raised by the resolution itself we will be giving a handle to the Government to abolish the system if they want to abolish it. Their attitude of neutrality is very significant.

Mr. C. R. Iyyunni *(Trichur-South):* Who said that they are going to remain neutral?

Mr. T. P. Poulose *(Kanayannur):* Unless the issue was whether the Government should place these rules before the House. That is a very significant attitude. That clearly shows that they would welcome a vote of this House for the abolition of this system.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, It is a very unkind observation to make. I wanted to know the issue on which the House is going to vote. The Government have accepted the principle of levying fees from well-to-do people and if the House wants to put a stop to that system by cancelling this order the Government would remain neutral. But if the issue is raised that the Government is bound to place the rules regarding the working of this system before this House that is a totally different question upon which we will have to vote against.

Mr. T. P. Poulose *(Kanayannur):* If this resolution is passed it can only be interpreted according to the wording of this resolution that this House is in favour of the abolition of the system and if we without understanding the implications pass this resolution we may be giving a handle to the Government if they want to abolish this system.

Deputy President: That may be your view.

Mr. C. R. Iyyunni *(Trichur-South):* We had ample discussion on this matter without your illuminating lecture.

Deputy President: You are going to vote for or against the resolution as moved by the Hon'ble Member.

Dr. A. R. Menon *(Trichur North):* Which means the cancellation of the proceedings.

Resolution put and carried

2. TO EXEMPT THE LADY EMPLOYEES IN THE ANCHAL DEPARTMENT FROM DOING NIGHT DUTY

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I move the following resolution.—"This Council recommends to the Government to exempt the lady employees in the Anchal Department from doing night duty."

I am not going to take the time of the House by a speech. The resolution is sufficiently clear. I request the House may be pleased to accept it.

Mr. C. K. Nayar *(Nemmara):* I second it.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: അഞ്ചൽ ഡിപ്പാർട്ട്മെണ്ടിലെ സ്ത്രീകൾമാത്രം രാത്രി ജോലിചെയ്യുവാൻ പാടില്ലെന്നുള്ളതിന്നു് എന്തു കാരണമാണെന്നു് ഈ പ്രമേയത്തിൽ പറഞ്ഞു കാണുന്നില്ല. രാത്രി ജോലിയിൽനിന്നും അവരെമാത്രം ഒഴിവാക്കണമെന്നാണു് പറയുന്നതു്. എല്ലാ സ്ത്രീകളേയും ഒരുപോലെ രാത്രി ഡ്യൂട്ടിയിൽനിന്നു ഒഴിവാക്കേണ്ടതാണെ

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